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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,695	10/14/2003	Thomas Jesse Charlton	910143.401D1	3417

500 7590 06/01/2005

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EXAMINER

HERRING, LISA L

ART UNIT PAPER NUMBER

1731

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/684,695

Applicant(s)

CHARLTON ET AL.

Examiner

Lisa Herring

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-43, 48-50 and 52-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 57-67, 69 and 71 is/are allowed.
- 6) ☒ Claim(s) 39-43 and 48-50 is/are rejected.
- 7) ☒ Claim(s) 52, 68 and 70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 5, line 24 examiner has noted duplicate number error of "1/81/8 inch", examiner suggests removing duplicate "1/8". Appropriate correction is required.

### ***Claim Objections***

2. Claim 68 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 67. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3. Claim 70 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 69. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Response to Arguments***

4. Applicant's arguments, see pgs. 7-10, filed March 3, 2005, with respect to the rejection(s) of claim(s) 39-43, 48-50, and 52-71 under 35 U.S.C. § 102(b) and 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Rennerfelt (4,364,763). For details see rejections below.

***Claim Rejections - 35 USC § 102 & 35 USC § 103***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 39-41, 43, and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Rennerfelt (4,364,763). Claims 39 and 40 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Rennerfelt (4,364,763). Rennerfelt discloses a method comprising:

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a) depositing a ceramic-based powder, which is disclosed by Rennerfelt (Fig. 6 and Col. 5, line 51) as "said composition of glass powder", in a pattern on the upper surface of a substrate (6), which is a glass shell;

b) supporting a sheet of glass (10 in Fig. 6) spaced apart above the pattern of ceramic-based powder;

c) heating the sheet of glass to a temperature in excess of a thermoplastic temperature for the glass at least until at least a central portion of the sheet of glass has deformed into a complex shape on top of the ceramic-based powder by disclosing in Fig. 6 and in Col. 5, lines 52-57, after the glass slab 10 is placed, the whole assembly is heated, e.g. in a furnace, and the glass slab 10 will then soften to adopt the form show in Fig. 6.

d) cooling the sheet of glass to fix the glass in the complex shape, by disclosing in Col. 5 lines 60-61, after molding glass slab 10, "the assembly is then subjected to controlled cooling".

Regarding Claim 40, Rennerfelt in Col. 5 lines 53-54, discloses the glass is heated with the forming elements with a furnace, which is a type of oven.

It should also be noted the examiner interprets the preamble "for forming an artistic pane to create a desired visual effect", does not further limit the scope of the claim.

Regarding Claims 41 and 54, Rennerfelt discloses a composition of glass powder placed on the upper surface of substrate (6), which is a glass shell. Substrate 6 was positioned prior to placing the glass powder and substrate (6) additionally serves as a

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frame around the pattern of ceramic-based powder (glass powder) and with glass slab (10) set onto the frame, substrate 6, and slump formed inside the substrate (6), which serves as a frame, which is illustrated by Rennerfelt in Fig. 6.

Regarding Claim 43, as seen in Fig. 6, the deformation of the glass slab 10 is accomplished by the sagging of the glass during the heating of the assembly with the glass slab 10, as discussed in the rejection of Claim 39 above.

In the case the applicant feels the preamble further limits the claim, it would have been obvious to one skilled in the art at the time the invention was made to apply the process of Rennerfelt to a sheet of glass for forming an artistic pane, since the sheet of glass disclosed by Rennerfelt could also be used as an artistic pane, as desired to create a desired visual effect.

8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rennerfelt (4,364,763) as applied to claim 39 above, and further in view of Wadsworth (789,191). Rennerfelt fails to disclose deforming a central portion of the glass comprises roll forming. However Wadsworth discloses that when a roller applies pressure to the surface of a soft glass, the glass will deform. Accordingly, it would have been obvious to one skilled in the art at the time the invention was made to use roll forming as an alternative method to create deforming the glass.

9. Claims 48, 49, 50, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rennerfelt (4,364,763) as applied to claims 39 and 54 above, and further in view of Hrifko (5,454,193). Rennerfelt discloses materials are trimmed to form a mirror blank (Fig. 7 and Col. 5, lines 61-63), but fails to disclose cutting a portion of

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glass along a boundary, formed by a frame, or cutting a portion of glass into a shape to insert it into a window frame, a came for a decorative window, or a came for a lite in a door. However, Hrifko (5,454,193) discloses glass panels or panes for use in windows are prepared by cutting a large piece of glass to size. Therefore, a glass slab, such as the slab (10) disclosed by Rennerfelt, may be cut for use in windows. Rennerfelt and Hrifko are analogous art, because they are from the same field of endeavor, such as performing various processes on slabs of glass, which include forming and cutting of glass slabs. Accordingly, it would have been obvious to one skilled in the art at the time the invention was made to cut a portion of the glass slab of Rennerfelt, for the advantage of sizing or shaping the piece of glass to fit into any type of frame, such as a window, decorative window frame, or a came for a lite in a door, as taught by Hrifko.

10. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rennerfelt (4,364,763) as applied to claim 39 above, and further in view of the following discussion. Rennerfelt fails to disclose how the ceramic-based powder is deposited. However, it would have been obvious to one skilled in the art that the powder could be placed into the cavities manually.

***Allowable Subject Matter***

11. Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Claims 57-67, 69, and 71 are allowed over the prior art. Note: Please see objections to claims 68 and 70 above.

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13. The following is a statement of reasons for the indication of allowable subject matter: Regarding Claim 52, The prior art fails to disclose the combination of deforming a glass over a substrate with ceramic powder on the surface and removing the ceramic based powder from the sheet of glass. Regarding claims 57-71, The prior art of record fails to disclose or suggest the combination of placing at least one frame on the upper surface of the substrate and depositing the powder in a pattern on the upper surface of the substrate within the at least one opening of the at least one frame, and supporting and heating a sheet to deform the glass into a complex shape. Rennerfelt discloses the frame is on the lower surface of the substrate and the powder is deposited on the upper surface of the substrate.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Herring whose telephone number is 571-272-1094. The examiner can normally be reached on Mon-Fri. 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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